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6	UNITED STATES DISTRICT COURT		
7	WESTERN DISTRICT OF WASHINGTON		
8	AT TACOMA		
9	TIMOTHY DIETZ,	Case No.	
10	Plaintiff,		
11	V.	NOTICE OF BEMOVAL OF ACTION	
12	MIDLAND CREDIT MANAGEMENT INC.,	NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441	
13	Defendant.		
14			
15	PLEASE TAKE NOTICE THAT defendant Midland Credit Management, Inc.		
16	("MCM") hereby removes to this court the state court action described below.		
17	1. This is a civil action over which	h the court has original jurisdiction under	
18	28 U.S.C. § 1331, and which may be removed to this court under 28 U.S.C. §1441(a),		
19	because it involves a claim under the Telephone Consumer Protection Act, 47 U.S.C. §		
20	227 et seq ("TCPA"). See Mims v. Arrow Financial Services, LLC, 132 S. Ct. 740		
21	(2012).		
22	<ol><li>A copy of the complaint filed I</li></ol>	by plaintiff in the Cowlitz County District	
23	Court, Small Claims Department, case no. 14 S 220, is attached as Exhibit 1.		
24	3. This Notice of Removal is tim	ely because MCM purportedly was served (it	
25	at all) on September 29, 2014. See Exhibit 2 (Corporation Service Company's "Notice		
26	of Service of Process").		

1	4. Venue	is proper in this district because it is the district embracing the
2	place where the action	on is pending. See 28 U.S.C. §1441(a).
3	5. No furth	ner proceedings have occurred in the state court action.
4	6. MCM n	otes that another action involving the same parties and the same
5	claim is already pend	ling in this court – case number 3:14-cv-05114-RBL. Despite the
6	pendency of that acti	on, the <i>pro se</i> plaintiff improperly attempted to file a new action
7	against MCM in the C	Cowlitz County District Court, Small Claims Department. After the
8	new action is remove	ed to this court, MCM will move to consolidate it with the already
9	pending action and/o	r otherwise seek to dispose of it as a separate action.
10	7. In filing	this notice, MCM does not waive any defenses or claims including
11	(but not limited to) an	ny defenses based on jurisdiction, service or statute of limitations.
12	DATED: Octob	per 21, 2014
13		Cosgrave Vergeer Kester LLP
14		
14 15		/s/Robert E.Sabido
		Robert E. Sabido, WSBA No. 29170
15 16		Robert E. Sabido, WSBA No. 29170 <u>rsabido@cosgravelaw.com</u> 888 SW Fifth Avenue, Suite 500
15 16 17		Robert E. Sabido, WSBA No. 29170  rsabido@cosgravelaw.com  888 SW Fifth Avenue, Suite 500  Portland, OR 97204  Telephone: (503) 323-9000
15 16		Robert E. Sabido, WSBA No. 29170 <u>rsabido@cosgravelaw.com</u> 888 SW Fifth Avenue, Suite 500  Portland, OR 97204
15 16 17 18		Robert E. Sabido, WSBA No. 29170  rsabido@cosgravelaw.com  888 SW Fifth Avenue, Suite 500  Portland, OR 97204  Telephone: (503) 323-9000
15 16 17 18 19		Robert E. Sabido, WSBA No. 29170  rsabido@cosgravelaw.com  888 SW Fifth Avenue, Suite 500  Portland, OR 97204  Telephone: (503) 323-9000  Fax: (503) 323-9019
15 16 17 18 19 20 21		Robert E. Sabido, WSBA No. 29170  rsabido@cosgravelaw.com  888 SW Fifth Avenue, Suite 500  Portland, OR 97204  Telephone: (503) 323-9000  Fax: (503) 323-9019
15 16 17 18 19 20 21		Robert E. Sabido, WSBA No. 29170  rsabido@cosgravelaw.com  888 SW Fifth Avenue, Suite 500  Portland, OR 97204  Telephone: (503) 323-9000  Fax: (503) 323-9019
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1	CERTIFICATE OF SERVICE	
2	I hereby declare under penalty of perjury that I served a true and correct copy of	
3	the foregoing NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a) on the	
4	date indicated below by:	
5	electronic mail,	
6	mail with postage prepaid, deposited in the US mail at Portland, Oregon,	
7	hand delivery,	
8	facsimile transmission,	
9	overnight delivery,	
10	0 I further certify that said copy was placed in a sealed envelope delivered as	
11	1 indicated above and addressed to plaintiff at the address listed below:	
12	2 Timothy Dietz 3501 S 38 <sup>th</sup> St. #Y69	
13	3301 S 36 St. #169 3 Tacoma, WA 98409 Plaintiff <i>Pro Se</i>	
14	4	
15	DATED: October 21, 2014	
16	/c/Pobort E. Sabido	
17	7 Robert E. Sabido Robert E. Sabido	
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